IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 8513 of 2005
Date of Decision: December 12,2007

Prem Nath ***.....Petitioner***

Versus

State of Punjab and others ***.....Respondents***

Coram: ***Hon'ble Mr.Justice Rajesh Bindal***

Present: Mr.Ashok Sharma Nabhewala,Advocate for the petitioner
Mr.Praveen C. Goyal, Senior Deputy Advocate General, Punjab

Rajesh Bindal, J.

The prayer made in the present petition is for quashing of the order Annexure P-37 dated 17.1.2005 and further prayer to implement the order already passed in favour of the petitioner on February 21,1990 and October 23,2003. The right of the petitioner flows from two awards in his favour from the Labour Court dated April 22,1988 and August 22, 1996.

Learned counsel for the petitioner states that though the award given by the Labour Court was accepted by the respondent and in fact, the orders were also passed in terms thereof but still he had not been paid his dues. This Court in writ jurisdiction will not be able to adjudicate the issue regarding factual aspect as to how much amount the petitioner is entitled to in terms of the award in his favour. This exercise can be gone into by the Labour Court only in proceedings under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter referred to `the Act').

Accordingly, I relegate the petitioner to his remedy to the Labour Court under Section 33(C)(2) of the Act.

At this stage, learned counsel for the petitioner states that since the petitioner has not been paid his salary for a long period, a time

bound direction be given to the Labour Court for decision of his claim.

The prayer made is not opposed. The petitioner undertakes to file the petition under Section 33(C)(2) of the Act before the Labour Court within two weeks from today. In case such a petition is filed, the same shall be considered and disposed of by the Labour Court preferably within a period of six months from the date of filing of such petition.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

December 12, 2007
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